

Appl No. : 09/435,562
Filed : November 8, 1999

REMARKS

In the Office Action dated July 14, 2004, the Examiner asserted that the reply filed on May 4, 2004 was not fully responsive to the prior Office Action because the Applicant had not specifically pointed out how the newly presented Claims 131-135 are patentable over the previously applied references.

Applicant hereby submits that Claim 131 distinguishes over U.S. Patent No. 6,124,523 to Banas and U.S. Patent No. 5,853,422 to Huebsch et al., either alone or in combination, because neither reference teaches or suggests a generally cylindrical frame sized and configured to be positioned at the left atrial appendage, and a membrane provided over and closing off the proximal end of the frame to prevent the passage of embolic material through the frame. Applicant further submits that U.S. Patent No. 5,108,474 to Riedy et al., which was previously used by the Examiner for disclosure of a polyethylene mesh adhesive, also fails to teach or suggest the device as recited by Claim 131. Applicant further submits that dependent Claims 132-135 recite a unique combination of features not taught or suggested by the cited art.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 7-21-04

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